THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

CRIMINAL CASE NO. 1:08cr128-3

UNITED STATES OF AMERICA,)	
)	
)	
VS.)	<u> </u>
TERRANCE DEANDREW BACKUS.)	
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THIS MATTER is before the Court upon the Defendant's "*Pro Se* Motion for Clarify November 10, 2011, Filing of Movant" [Doc. 521].

The Defendant seeks to clarify to the Court that his motion filed on November 10, 2011 [Doc. 492] should have been denominated as one filed under 28 U.S.C. § 2255. [Doc. 521]. The docket has been corrected to reflect that the Defendant's November 10, 2011 motion is a motion filed pursuant to 28 U.S.C. § 2255. [See Doc. 492]. Accordingly, the Defendant's motion to clarify is moot.

IT IS, THEREFORE, ORDERED that the Defendant's "*Pro Se* Motion for Clarify November 10, 2011, Filing of Movant" [Doc. 521] is hereby **DENIED**AS MOOT.

IT IS SO ORDERED.

Signed: March 19, 2012

Martin Reidinger United States District Judge